

ELECTIONS. PRIMARIES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

Elections. Primaries.

Initiative Constitutional Amendment and Statute.

- Requires primary elections where all voters may vote for any state or federal candidate regardless of how a voter or candidate is registered.
- Exempts presidential nominations and elections of party central committees.
- Only the two primary-election candidates receiving most votes for an office, whether they are candidates with “no party” or members of same or different party, would be listed on general election ballot.
- In special primary election, candidate receiving majority vote is elected.
- Requires political party’s consent for identification of candidates’ party registration on ballot and in other official election publications.

Summary of Legislative Analyst’s Estimate of Net State and Local Government

Fiscal Impact:

- No significant net fiscal effect on state and local governments.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California generally holds two statewide elections to elect a candidate to public office—a primary election (in March) and a general election (in November). Some public offices (such as the Governor and members of the Legislature) are partisan, which means that a candidate represents a political party in an election. For partisan offices, the primary election determines each political party’s nominee for the office. The candidate receiving the most votes among a party’s candidates is that party’s nominee for the general election. In the general election, voters then choose among all of the parties’ nominees, as well as any independent candidates, to elect a candidate to office. Other offices (such as the Superintendent of Public Instruction and local officials) are nonpartisan, which means that a candidate does not represent a political party. For these nonpartisan offices, the primary election generally reduces the field of candidates by advancing the top two vote-getters to the general election.

For every primary election, each county prepares a ballot and related materials for each political party. Those voters affiliated with political parties receive their party’s ballot. Voters with no party affiliation generally receive ballots related only to nonpartisan offices and propositions. This system is known as a “closed” primary since voters of one party cannot vote for candidates of any other party. (In California, parties may allow voters with no party affiliation to receive their party’s ballot. Three parties chose to allow this for the March 2004 election.) Figure 1 compares this type of primary system with several other systems, including the one proposed by this measure.

In March 1996, California voters approved Proposition 198, which created a “blanket” primary system. Proposition 198 allowed all voters, regardless of party affiliation, to vote for any candidate in a primary election. As with the existing system, the candidate from each party receiving the most votes in the primary appeared on the general election ballot. This system was used for primaries in 1998 and 2000. The United States Supreme Court, however, ruled in June 2000 that this system was unconstitutional and could no longer be used. As a result, the state returned to using party-specific ballots for primaries in 2002.

PROPOSAL

Changes to Primary System. This measure amends both the State Constitution and state statutes to make changes to primary elections. For most state and federal elected offices, this measure allows voters—including those not affiliated with a political party—to vote for any candidate regardless of the candidate’s political party. The measure applies to the election of state constitutional officers, members of the Legislature, and members of Congress. The measure, however, does not apply to the election of the U.S. President or political party committees. If approved, the new system would be used beginning with the March 2006 primary.

Under the measure, each county would prepare for use by all voters a single, primary ballot covering most offices. (There would, however, be a separate party-specific ballot for U.S. President and political party committees.) Candidates affiliated with parties and independent candidates would appear on the primary ballot. In each primary, only the top two vote-receiving candidates—regardless of party identification—would